



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,550	05/31/2001	Ralph Lipe	M61.12-0336	8932

7590 02/06/2004

Theodore M. Magee
WESTMAN CHAMPLIN & KELLY
International Centre - Suite 1600
900 South Second Avenue
Minneapolis, MN 55402-3319

EXAMINER

PARDO, THUY N

ART UNIT PAPER NUMBER

2175

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,550

Applicant(s)

LIPE ET AL.

Examiner

Thuy Pardo

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001 and 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-23, 25-29, 31 and 33-56 is/are rejected.
- 7) ☒ Claim(s) 13, 24, 30 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1-56, the features of "optional attribute" and "object" are not defined in the disclosure. The meanings of these features are unclear in this context. Correction is required. However, in the interests of compact prosecution, please note the examiner's interpretation of claims for analysis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by **Beall et al.** (Hereinafter "Beall") US Patent No. 6,032,145.

As to claim 1, Beall teaches the invention substantially as claimed, comprising:
receiving instructions to search for objects [inherent in the search system], the instructions including at least one optional attribute that the objects should but are not required to have [refines search, 504 of fig. 5; col. 7, lines 44-46];

locating objects in the computing environment [generate a new display list, col. 7, lines 45-47, 60-64]; and

ordering the located objects in a list of objects based on matches between the attributes of the located objects and at least one optional attribute [505 of fig. 5; col. 7, lines 50-52, 60-64].

As to claim 2, Beall teaches the invention substantially as claimed. Beall further teaches receiving at least one required attribute with the instructions [search string "bic pen red", 300 of

Art Unit: 2175

fig. 3], and locating objects comprises locating objects that have the at least one required attribute [ab; 302 of fig. 3].

As to claim 3, Beall teaches the invention substantially as claimed. Beall further teaches receiving instructions to search for objects within a particular category of objects [10-13 of abstract; 124 of fig. 2(b)].

As to claim 4, Beall teaches the invention substantially as claimed. Beall further teaches that locating objects comprises searching for sets of object data beneath a registry key [col. 2, lines 50-54].

As to claim 5, Beall teaches the invention substantially as claimed. Beall further teaches that searching for sets of object data beneath a registry key comprises searching beneath a registry key for a category [col. 2, lines 50-54].

As to claim 6, Beall teaches the invention substantially as claimed. Beall further teaches comparing a required attribute that was received with the instructions to an attribute in each set of object data [col. 2, lines 57-61]; and for each attribute that matches the required attribute, adding a reference to an object associated with attribute to the list of references [124 of fig. 2(b); 504 of fig. 5].

Art Unit: 2175

As to claim 7, Beall teaches the invention substantially as claimed. Beall further teaches ordering pointers to object tokens associated with the object [pointer “add to cart”, fig. 4].

As to claim 8, Beall teaches the invention substantially as claimed. Beall further teaches that the object token points to a set of object data associated with the object [pointer “next”, see fig. 4].

As to claim 9, Beall teaches the invention substantially as claimed. Beall further teaches that the set of object data includes a class identifier for the object [“SGSF-RED FINE”, “REMBID RED”, see fig. 3] .

As to claim 10, Beall teaches the invention substantially as claimed. Beall further teaches locating objects of an object class that is dynamically made available [col. 2, lines 47-54].

As to claim 11, Beall teaches the invention substantially as claimed. Beall further teaches locating object data that is stored on a remote computer that is remote from a local computer on which the instruction to search was received [col. 4, lines 13-18].

As to claim 12, Beall teaches the invention substantially as claimed. Beall further teaches comparing a required attribute that was received with the instructions to an attribute on the remote computer [col. 5, lines 31-35, 40-43]; and for each attribute that matches the required

Art Unit: 2175

attribute, adding a reference to an object associated with the attribute to the list of references [col. 7, lines 44-50].

As to claim 14, Beall teaches the invention substantially as claimed, with the exception that the remote computer and the local computer are on the same local area network. However, this is a matter of a design choice.

As to claim 15, Beall teaches the invention substantially as claimed. Beall further teaches that the remote computer and the local computer are on different local area networks [fig. 1; col. 4, lines 11-17].

As to claim 16, Beall teaches the invention substantially as claimed. Beall further teaches that the remote computer and the local computer are connected together through the Internet [fig. 1; col. 4, lines 11-17].

As to claims 17-23, 25-29, 31, and 33-56, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

Allowable Subject Matter

Claims 13, 24, 30, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2175

As to claims 13, 24, and 32, the feature that comparing the required attributes to the attributes on the remote computer comprises instantiating an object token; initializing the object token to point to the attributes on the remote computer; calling a method on the object token to retrieve the attributes; and comparing the retrieved attributes to the required attributes, taken together with other limitations of claims 1 and 12, 17, or 26 and 31 was not disclosed by the prior art of record.

As to claim 30, the feature of instantiating a token enumerator comprises causing the token enumerator to perform steps comprising locating object data associated with an object class that has an accessibility that is subject to change; instantiating an object token for each set of located object attributes; initializing each object token to point to a set of located object data; and returning a separate pointer to each instantiated object token, taken together with other limitations of claims 26-29 was not disclosed by the prior art of record.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows: (703) 872-9306 (Official Communication)

Art Unit: 2175

and/or:

(703) 746-5616 *(Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to them on occasions).*

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Application/Control Number: 09/871,550

Page 9

Art Unit: 2175

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to read 'Thuy Pardo', with a stylized, cursive script.

Thuy Pardo
February 04, 2004